

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
December 11, 2018 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, Griffin Hanna and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the November 13, 2018, meeting. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. 2019 Planning Commission Meeting Dates

Chairman Keesee introduced item 1. Mr. Wally Bailey presented the 2019 Planning Commission meeting dates to the Commissioners. Mr. Bailey stated that the only changes for 2019 would be the January meeting. He indicated that the study session would be moved to Wednesday, January 2nd and the voting meeting to Thursday, January 10th.

Chairman Keesee called for a motion on the 2019 Planning Commission Meeting Dates. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the 2019 Planning Commission meeting dates.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the 2019 Planning Commission meeting dates. The vote was 9 in favor and 0 opposed. Chairman Keesee announced this item was approved.

2. 6200 Phoenix Addition- Preliminary Plat, Lots 1 & 2, Blake Peacock/Hawkins-Weir, Inc.

3. 6200 Phoenix Addition- Final Plat, Lots 1 & 2, Blake Peacock/Hawkins-Weir, Inc.

Chairman Keesee introduced item 2 and 3. Ms. Brenda Andrews read the staff report indicating approval of the proposed preliminary plat and final plat would facilitate future development of the property; however, at this time no specific development is proposed. Ms. Andrews stated that the property is located on the south side of Phoenix Avenue and across from South 62nd Street. Ms. Andrews indicated that the site contains approximately 19.63 acres with approximately 870 feet of frontage on Phoenix Avenue.

Blake Peacock was present to represent these plats.

No one was present to speak in favor or opposition of these plats.

Chairman Keesee called for a motion on the preliminary plat. Commissioner Laster moved, seconded by Commissioner Sharpe, to approve the preliminary plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the City's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Commissioner Taylor asked Mr. Peacock if the FAA restrictions would affect the height of future buildings or landscaping proposed. Mr. Peacock stated that for any future development, they would work with the Regional Airport.

Mr. Bailey stated that the planning staff received an email from the Airport Manager indicating his primary concern was with any future residential development.

Following the discussion, Chairman Keesee called for a vote on the motion to approve the preliminary plat with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the preliminary plat was approved.

3. 6200 Phoenix Addition-Final Plat, Lots 1 & 2, Blake Peacock/Hawkins-Weir, Inc.

Chairman Keesee called for a motion on the final plat. Commissioner Laster moved, seconded by Commissioner Wilson, to approve the final plat, subject to the following staff comments:

- After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

There being no discussion on item 3. Chairman Keesee called for a vote on the motion to approve the final plat with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the final plat was approved.

4. Rezoning Application #28-12-18; A request by Randell Coleman, agent, for Little Massard, LLC, for a zone change from Residential Single Family- Duplex Low/Medium Density (RSD-2) to Commercial Heavy (C-5) by extension at 8210 Phoenix Avenue.

5. Development Plan #14-12-18; A request by Randell Coleman, agent, for Little Massard, LLC, for a development plan approval for a bank, credit union, or savings institution at 8210 Phoenix Avenue.

6. Concept Plan- Little Massard Properties, Mickle-Wagner-Coleman Engineers.

Chairman Keesee introduced items 4, 5 and 6. Ms. Maggie Rice read the staff report indicating approval of the rezoning and development plan would facilitate the construction of a 5,214 s.f. bank with 40 parking spaces, landscaping, and other amenities. Ms. Rice stated that a neighborhood meeting was held on Thursday, November 29, 2018, at 5:30 p.m. at 8400 Rogers

Avenue. One property owner was in attendance but did not have any objections. Ms. Rice stated that although the applicant has requested a Commercial Heavy (C-5) zoning, staff recommended a Commercial Light (C-2) zoning and the applicant has agreed. Ms. Rice indicated that a concept plan was provided for the larger development to show the 10.5 acres at the intersection of Massard Road and Phoenix Avenue around the west and south of the proposed Chambers Bank site.

Randell Coleman was present to represent these applications.

No one was present to speak in favor or opposition of these applications.

Chairman Keesee called for a motion on the rezoning request. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the rezoning request, subject to the following staff comments:

- Amending the rezoning request to Commercial Light (C-2).
- Approval of the submitted development plan.

Commissioner Wilson asked why the planning staff recommended the zone change from Commercial Heavy (C-5) to Commercial Light (C-2). Mr. Wally Bailey stated that the Commercial Light (C-2) zoning would be more appropriate and would also accommodate the proposed land use.

Following the discussion, Chairman Keesee called for a vote on the motion to approve the rezoning request with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the rezoning request was approved with the Commercial Light (C-2) zoning.

5. Development Plan #14-12-18; A request by Randell Coleman, agent, for Little Massard, LLC, for a development plan approval for a bank, credit union, or savings institution at 8210 Phoenix Avenue.

Chairman Keesee called for a motion on the development plan. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A final landscaping plan must be submitted with the plans for a building permit. The plans must be specific and show compliance with the parking lot screening requirements of the UDO.
- Location and screening for HVAC and mechanical equipment shall be shown on the plans submitted for the building.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

6. Concept Plan- Little Massard Properties, Mickle-Wagner-Coleman Engineers.

Chairman Keesee stated that the concept plan was for review only and no action was required.

7. Rezoning Application #29-12-18; A request by Crafton Tull & Associates, agent, for ERC Create, LLC, for a zone change from not zoned to Residential Multifamily High Density (RM-4) by classification at 6801 Veterans Avenue.

8. Development Plan # 16-12-18; A request by Crafton Tull & Associates, agent, for ERC Create, LLC, for a development plan approval for a multifamily development at 6801 Veterans Avenue.

Chairman Keesee introduced items 7 and 8. Ms. Brenda Andrews read the staff report indicating approval of the zoning request and development plan would allow for the construction of 13 single family homes on one lot. Ms. Andrews stated that the property is on the south east side of Veterans Avenue just east of Haven Boulevard. The tract contains an area of 2.17 acres with approximately 308 feet of street frontage along Veterans Avenue. Ms. Andrews further stated that a neighborhood meeting was held on Thursday, December 6, 2018, at 8101 McClure Drive at 5:30 p.m. No neighboring property owners attended the meeting.

Connor Threet was present to represent these applications.

No one was present to speak in favor or opposition of these applications.

Chairman Keesee called for a motion on the zoning request. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the zoning request.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the zoning request. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the zoning request was approved.

8. Development Plan # 16-12-18; A request by Crafton Tull & Associates, agent, for ERC Create, LLC, for a development plan approval for a multifamily development at 6801 Veterans Avenue.

Chairman Keesee called for a motion on the development plan. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- Chaffee Crossing Design Review Committee variance approval for landscape buffer width of less than 20 feet.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

9. Development Plan #13-12-18; A request by Robert Brown, agent, for Arvest Bank, for a development plan approval for an ATM Kiosk at 9100 Massard Road.

Chairman Keesee introduced item 9. Ms. Maggie Rice read the staff report indicating approval of the development plan would allow the applicant to install an ATM Kiosk. Ms. Rice stated that a bank branch is proposed in the future and a new development plan would be required at that time. Ms. Rice stated that the subject property is on the west side of the intersection of Massard and Chad Colley Boulevard.

Robert Brown was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the development plan. Commissioner Cooper moved, seconded by Commissioner Wilson to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All trees must be placed outside of the water/sewer easements, or if placed within the easements, are at least 10 feet away from the utility lines and are on the approved Utility Friendly Tree List.
- The ATM structure is temporary and will be removed when the bank building is constructed.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

10. Conditional Use #10-12-18; A request by David Conyers, agent, for Westark Church of Christ, for a Church (Youth Ministries) at 5526 Grand Avenue.

Chairman Keesee introduced item 10. Ms. Maggie Rice read the staff report indicating approval of the conditional use would allow for the existing single family residence to be utilized for youth ministries for Westark Church of Christ. Ms. Rice stated that a neighborhood meeting was

held on Thursday, December 6, 2018, at 5526 Grand Avenue. Three surrounding property owners were in attendance and voiced some concerns. Ms. Rice further stated that the planning staff had been contacted by one property owner who lives in the neighborhood stating concerns with drainage, foot traffic, and trash.

David Conyers and Cade Richards, the Youth Minister at Westark Church of Christ, were present to represent this application.

George Jarrett (909 N. 56th Street) stated the following concerns: 1) Increased pedestrian and vehicle traffic, 2) Existing fence in disrepair, 3) Existing fence height should be increased, 4) Lighting, 5) Drainage, and 6) Noise.

Commissioner Taylor asked Mr. Cade Richards what the maximum occupancy would be and the hours of operations. Mr. Richards stated that the maximum occupancy was 49 and the hours of operations would be for an hour on Wednesday and Thursday nights.

Chairman Keesee called for a motion on the conditional use. Commissioner Wilson moved, seconded by Commissioner Cooper to approve the conditional use, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Commissioner Morris asked Mr. Jarrett what would be the bare minimum requirement he would accept. Mr. Jarrett stated a taller fence and a determination if the drainage issue would increase and if so, a provision to take care of the issues.

Commission Taylor moved, seconded by Commissioner Sharpe, to amend the motion to include the following additional conditions: 1) no parking on North 56th Street, 2) removal of the existing storage building, and 3) repair the existing privacy fence.

Chairman Keesee called for a vote to amend the motion. The motion was approved unanimously.

Chairman Keesee then called for a vote on the amended motion. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the conditional use was approved.

- 11. Development Plan #15-12-18; A request by Crafton Tull & Associates, agent, for ERC Holdings, LLC, for a development plan approval for a commercial development at 8208 Huntington Circle.**
- 12. Variance #32-12-18; A request by Crafton Tull & Associates, agent, for ERC Holdings, LLC, from the UDO high-quality materials requirement for commercial development at 8208 Huntington Circle.**

Chairman Keesee introduced item 11. Ms. Brenda Andrews read the staff report indicating approval of the development plan and companion variance request would allow the development of three commercial buildings. The development would include a 6,200 s.f. office, 6,000 s.f. fitness studio, and a 13,500 s.f. doctor's office with 129 parking spaces and perimeter landscaping. Ms. Andrews indicated that the applicant had revised their application to request a variance on the rear facades only. Approval of the variance would allow a reduction of the minimum high-quality materials as required by the UDO Transitional and Commercial Design Standards as follows: 1) Building A (Doctor's Building) from 51% to 6% high-quality materials on the rear façade, 2) Building B (Fitness Studio) from 51% to 10% on the rear façade, and 3) Building C (Office) from 51% to 0% on the rear façade. Ms. Andrews stated the rear facades on buildings A and B had small amounts of brick on the rear facades but the facades were predominately 24 gauge steel metal panels with exposed fasteners. Ms. Andrews stated the developer also proposed to use a composite material by the Brand name of Fiberon on the exteriors. Ms. Andrews stated that since the material was not specifically listed in the UDO as a high-quality material, staff requested the planning commission's input on this material.

Ms. Andrews stated that a neighborhood meeting was held on Thursday, December 6, 2018, at 8101 McClure Drive at 5:30 p.m. No neighboring property owners attended the meeting.

Connor Threet was present to represent these applications. Nicole Swanson with ERC Holdings was also present and spoke in favor of the corrugated fibroin metal panels. Ms. Swanson stated that this product was in fact less expensive, but looks contemporary and stands up well in weather.

No one was present to speak in favor or opposition of these applications.

Chairman Keesee called for a motion on the development plan. Commissioner Taylor moved, seconded by Commissioner Wilson to approve the development plan, subject to staff comments.

Following a discussion of the project, it was determined that the variance should be considered before the development plan. Commissioner Taylor moved, seconded by Commissioner Sharpe to withdraw the motion to approve the development plan. Chairman Keesee called for a vote on the withdrawal and the motion carried unanimously.

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11. Variance #32-12-18; A request by Crafton Tull & Associates, agent, for ERC Holdings, LLC, from the UDO high-quality materials requirement for commercial development at 8208 Huntington Circle.

Chairman Keesee called for a motion on the variance. Commission Taylor moved, seconded by Commissioner Newton, to approve the variance based on all the details, plans and information submitted for the exterior finish materials.

During discussion of the motion, Commissioner Wilson stated that she favored the Fiberon material but was opposed to the corrugated 24 gauge steel panels with exposed fasteners. Commissioner Taylor stated that he believed that the corrugated 24 gauge steel panel was a durable product and would provide a contemporary look. He stated, however, that he did not favor the exposed fasteners. There being no further discussion, Chairman Keesee called for a vote on the motion to approve the variance based on all the details, plans and information submitted for the exterior finish materials.

The vote was 7 in favor, 1 opposed (Wilson) and 1 abstention (Cooper). Chairman Keesee announced the variance was approved.

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12. Development Plan #15-12-18; A request by Crafton Tull & Associates, agent, for ERC Holdings, LLC, for a development plan approval for a commercial development at 8208 Huntington Circle.

Chairman Keesee called for a motion on the development plan. Commissioner Taylor, seconded by Commissioner Wilson to approve the development plan with staff comments.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced that the development plan was approved with the following conditions:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Exterior lighting details showing compliance with the UDO Commercial and Outdoor Lighting requirements shall be submitted during the building permit review process.
- Roof top and ground mechanical equipment screening details showing compliance with screening requirements with the Commercial and Transitional Design Standards shall be submitted during the building permit review process.
- The variance is approved based on all the details, plans and information submitted for the exterior finish materials.

13. Off-Site Parking; A request by Brett Abbott, for a remote parking agreement for a microbrewery proposed at 201 South 11th Street with remote parking lots at 1005 South A Street, 201 South 10th Street and 122 Towson Avenue.

Chairman Keesee introduced item 13. Ms. Maggie Rice read the staff report indicating approval of the remote parking agreement would allow the microbrewery to use 17 parking spaces in the parking lot at 201 South 10th Street, 12 parking spaces in the parking lot at 1005 South A Street and 6 parking spaces in the parking lot at 122 Towson Avenue. Ms. Rice stated that Arbiter Brewing Company was remodeling an existing building which is constructed to the property lines and has no property to provide on-site parking.

Jared Schluterman was present to represent the request. Mr. Schluterman stated he would not be open until 5:00 p.m. on the week days and 11:00 a.m. on Saturdays. Mr. Schluterman stated that this would not interfere with the parking for the Farmer Coop and Wight Office Machines.

No one was present to speak in favor or opposition of this request.

Chairman Keesee called for a motion on the remote parking agreement. Commissioner Cooper moved, seconded by Commissioner Newton to approve the remote parking agreement, subject to the following staff comments:

- Any significant changes to the parking agreement that will alter the ability of Arbiter Brewing Company to use the 35 parking spaces will require Arbiter Brewing Company to otherwise obtain the necessary parking for their development at 201 South 11th Street. The change or relocation of any required parking spaces must be approved by the Planning Department or Planning Commission.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the remote parking agreement with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced this request was approved.

There being no further items, the meeting adjourned at approximately 6:45 p.m.